United States
Environmental Protection
Agency

Enforcement and
Compliance Assurance
Mail Code 2201A

EPA 300-N94-008
Winter 1998

OECA Echo

Enforcement and Compliance Assurance for a Cleaner Environment

IN THIS ISSUE:

From the Assistant Administrator
Steven A. Herman

Clean Air Act Settlement With Diesel Engine Makers Is Historic In Size, Scope, and Environmental Impact

On October 22, Attorney General Janet Reno and EPA Administrator Carol Browner announced what they described as a "truly significant, truly historic" settlement with seven manufacturers of heavy duty diesel engines. The settlement means much cleaner and safer air for the American public.

In the largest enforcement action in Clean Air Act (CAA) history, the manufacturers Caterpillar, Inc., Cummins Engine Company, Detroit Diesel Corporation, Mack Trucks, Inc., Navistar International Transportation Corporation, Renault Vehicules Industriels, s.a., and VolvoTruck Corporation — will spend more than $1 billion to settle charges that they illegally poured millions of tons of Nitrogen Oxide (Nox) pollution into the air. The settlement includes an $83.4 million civil penalty, the largest ever assessed under any EPA statute.

The landmark settlement, culminating months of exhaustive investigation and negotiations by EPA's Air Enforcement Division and Office of Mobile Sources, the Department of Justice (DOJ), and the State of California, resolved charges that the companies, which make up 95 percent of the U.S.

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OECA's Year 2000 Compliance Strategy and Message

By Michael Stahl
Deputy Assistant Administrator

It has become almost an axiom in these final years of the 20th century: Fix the computer problem or the 21st century will get off to a rough start -- or worse. Organizations of nearly every size, public and private, realize this and are trying to make necessary changes. What kind of fixes are needed and how is EPA managing its enforcement and compliance assurance program to make the necessary changes?

A Government-Wide Problem

The year 2000 problem, or Y2K as it is generally known, involves computers that use two digits to keep track of the date. On January 1, 2000, those computers will recognize "double zero" not as 2000 but as 1900. This glitch could cause them to stop running or to start generating erroneous data. The problem poses a serious threat not only to the economy, *per se*, but to all aspects of it, including environmental data and information.

Federal government agencies have been working on the year 2000 problem for a number of years, some beginning as early as 1989. Internally, they are trying to ensure that their own mission-critical systems are year-2000 compliant. Externally, they are making inventories of all their data exchanges with outside partners -- for example, state and local governments with which the federal government works -- to minimize year 2000-related disruptions. For high risk areas, agencies are developing contingency plans to ensure they will be able to conduct normal operations even if their systems or the outside services on which they depend are not available.

With the help of the President's Council on Year 2000 Conversion, agencies are reaching out to domestic and international organizations that are part of the economic sectors in which they operate to increase awareness of the problem and to offer support.

For EPA and its mission to protect the environment, the problem is of specific and vital importance. Information technology is an essential component in protecting the environment. It is not only important in fulfilling EPA programs and initiatives; it also has significance for the various sectors on which the public, the economy, and the environment depend. If not handled properly, the problem could have serious ramifications on the preservation and protection of the environment.

Harmful environmental and human health effects could occur if computer-dependent pollution control systems are not compliant. Systems which are noncompliant may cause drinking water

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$1 Billion Settlement Is Largest Clean Air Enforcement

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heavy duty diesel market, violated the CAA by installing "defeat devices" that stymied emission controls and resulted in illegal amounts of Nox pollution.

Nox contributes to the formation of ground level ozone (smog) and particulate matter (soot). These pollutants can cause premature death, asthma attacks, bronchitis, reduced lung functions and other breathing problems especially in the elderly, children, and other vulnerable populations. Nox causes acid rain, which damages agricultural crops, pollutes drinking water, and causes acid deposition in water bodies like the Chesapeake Bay.

Motor vehicles generate about one-half of the 23 million total tons of Nox air pollution in the U.S. annually, while the other half comes from stationary sources such as coal-fired power plants. About one third of the motor vehicle pollution -- 3.5 million tons -- comes from heavy duty diesel engines. The settlement is expected to prevent 75 million tons of air pollution over the next 27 years. That number of tons is more than the total U.S. Nox emissions for three years.

The seeds of this case began a decade ago, when the engine manufacturers did not invest the funds necessary to develop more advanced Nox control technologies when more stringent Nox emissions went into effect. Rather, they chose to control Nox emissions by the less expensive method of controlling fuel injection timing, which had the negative feature of reducing fuel economy.

To avoid the fuel economy penalty, the complaint against the companies alleged that they began to manufacture and sell heavy duty diesel engines equipped with "defeat devices"-- software that alters an engine's pollution control equipment under highway driving conditions. The engines meet the emission limits when they run on the EPA's 20-minute Federal Test Procedure, but when running on the open road, they emit up to three times the legal limit of Nox. In effect, the engines were able to meet EPA emission standards during testing but not during normal highway driving. This violated the CAA, which prohibits any manufacturer from selling any new motor vehicle engine equipped with any device designed to defeat the engine's emission control system.

The companies are alleged to have sold an estimated 1.3 million of the affected engines, which range from the type used in tractor trailers and bus fleets to large pick-up trucks. The affected engines emitted more than 1.3 million tons of excess Nox in 1998 alone, which is six percent of all Nox emissions and equivalent to the Nox emissions from an additional 65 million cars being on the road. If the use of defeat devices had not been detected and eliminated, more than 20 million tons of excess Nox would have been emitted by the year 2005.

In settling the case, EPA and DOJ have followed a basic principle : in addition to paying penalties, polluters will be required to mitigate the damage they cause, and to prevent future damage. Besides the $83.4 million penalty, EPA estimates the companies will spend collectively more than $850 million to introduce cleaner new engines, rebuild older engines to cleaner levels, recall pickup trucks that have defeat devices, and conduct new emissions testing.

Under the consent decrees, the companies will begin reducing emissions from new heavy duty diesel engines during the rest of 1998, including engines that have their emissions cut in half by January 1999. Last year, EPA proposed tighter emissions standards for diesel engines. Under the settlement, subsequent engines will meet these upcoming federal emissions standards by October 2002, a full 15 months before the standards are scheduled to take effect. The companies also will ensure that when older heavy duty diesel engines are rebuilt, their excess emissions will be reduced. They will also move up the date for meeting certain Nox emission standards applicable to non-road engines such as construction equipment. As a result of these measures, the total Nox emissions from diesel engines will be reduced by one-third as of the year 2003.

In addition to reducing Nox emissions, the companies will undertake a number of supplemental projects to lower Nox emissions, including research and development projects to design and demonstrate new emissions control technologies for low-emitting engines that use cleaner fuels. Collectively, these projects will cost $109.5 million.

To keep the situation that gave rise to the violations from recurring, the engine companies also have agreed to use an expanded emissions testing procedure in addition to the federal test procedure currently in use. This dual approach will make the simulated test conditions more representative of the highway driving of most diesel trucks and ensure that emissions from diesel engines manufactured in the future will fully comply with federal standards.

The settlement demonstrates the advantage of negotiating with the seven manufacturers together, rather than company-by-company. It avoided lengthy individual legal battles and, by resolving the violations on an "industry-wide" basis, allows the public to begin to realize the benefits more quickly.

We have made significant progress since the CAA was passed 28 years ago to protect the public by reducing Nox emissions from both stationary and mobile sources of air pollution. We still have work to do. Last month, for example, EPA issued the final rule which will reduce Nox levels from industrial power plants and other stationary sources by 28 percent for 138 million people in 22 states and the District of Columbia.

A strong environmental enforcement program is a critically important component of EPA's efforts to reduce air pollution by correcting problems and resolving noncompliance now and for the future. The diesel engines settlement is the third significant Clean Air Act settlement with the auto industry in the past three years. In June 1998, EPA and DOJ settled charges against American Honda Motor Company for $267 million and Ford Motor Company for $7.8 million for selling vehicles with a device that defeats emission control systems. In 1995, EPA and DOJ settled with General Motors Corporation for $45 million for putting defeat devices in 500,000 Cadillacs, increasing carbon monoxide emissions when the climate control system was on.

As Administrator Browner said when announcing the diesel engine consent decree, "if you illegally pollute, you will pay...the American people can rest assured that this administration is doing everything in its power to reduce pollution, clean the air and enforce our environmental laws for today, for tomorrow, for all generations to come."

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EPA Announces New Compliance Assistance Centers

Total of Nine Now on Internet

EPA announced on October 20 the availability of four new compliance assistance centers whose purpose is to assist small businesses, local governments and communities in understanding and complying with environmental regulations. The new centers focus on the paints and coatings industry, the transportation industry, small and medium-sized chemical manufacturers, and local governmental agencies. Each center will offer web sites, telephone assistance lines, document fax-back systems, and e-mail discussion groups.

The four new centers bring a total of nine to the Internet. Other centers cover the metal finishing, automotive service and repair, printing, printed wiring boards, and agriculture industries. All of the centers are operated in partnership with industry, academic institutions, environmental groups, and other federal and state agencies.

More than 100 people attended the October 20 event at Washington, D.C.'s Union Station at which the opening of the four new centers were announced. In addition to EPA staff, attendees represented trade associations, state and local governments, industry and small businesses.

In the first six months of 1998, the web sites of the existing centers during that period logged nearly 75,000 distinct visits. The centers responded to more than 2,000 calls and questions through e-mail and telephone assistance lines. Private users account for about 53 percent of web site traffic, international usage is about 10 percent of the total, and government usage accounts for about 5 percent. Projections for the nine centers are for 250,000 annual visitors to the web sites.

Established centers such as CCAR-GreenLink and the National Metal Finishing Resource Center receive about 4,000 user sessions per month. A CCAR-GreenLink user has commented that the site is "easy to navigate and easy for the common user to understand." Another user comments that "After years of waiting for this type of resource, I find the National Metal Finishing Resource Center to be a valuable part of our daily business."

Centers are selected to serve sectors in which there are a large number of small entities that come underfederal environmental regulation. The centers make information available to those who want to do the right thing, but need answers to their questions. Since not all small businesses have access to the Internet, the centers also provide information through toll-free telephone lines and fax mail.The nine EPA compliance assistance centers provide regularly updated compliance policies and guidelines, pollution prevention information, sources of additional information and expertise, summaries of regulations and initiatives, access to e-mail discussion groups, vendor listings and directories, environmental management software and benchmarking tools that can be downloaded from the Internet. Some of the centers also contain "expert help" features that guide a small business to information, "virtual shops" that allow a user to click on any facet of an illustrated operation and see what regulations apply, and online access to relevant state regulations.

The web addresses of the compliance assistance centers are:

. Agriculture: http://www.epa.gov/oeca/ag

. Automotive service and repair: http://www.ccar-greenlink.org

.Chemicalindustry: http://www.chemalliance.org

. Local governments: http://www.lgean.org

. Metal finishing: http://www.nmfrc.org

. Paints & Coatings www.paintcenter.org

. Printing: http://www.pneac.org

. Printed wiring boards: http://www.pwbrc.org

. Transportation: http://www.transource.org

OECA's National Enforcement Training Institute (NETI) now offers computer-based training (CBT) courses that deliver information to desktop PCs in the form of text, sound, animation, video, and graphics. The courses cover a range or topics and provide interactive exercises and quizzes. CBT courses are on CD-ROM and can run on a standard multimedia Windows PC (a PC with a CD-ROM reader, sound card, speakers or headphone, and either Windows 3.1 or Windows 9.5). Users can take OECA-supported courses at their desk, a computer lab, library, or on their home computer. Available course titles are listed on NETI's web page at www.epa.gov/oeca/neti or by calling 1-800-EPA-NETI and requesting a course catalog.

OECA Opens Docket and Information Center

OECA has opened a docket and information center to provide the public and EPA staff with a central location for retrieving rulemaking docket materials, OECA policy and guidance documents, and other public information that support EPA's enforcement and compliance activities. Identified as the Enforcement and Compliance Docket and Information Center (ECDIC), it is located in Room 4033 of the Ariel Rios Building, at 12th and Pennsylvania Avenue, N.W., Washington, DC.

Opened in January, the center currently houses over 600 policy and guidance dockets, 100 individual publications now current in the agency and several dockets pertaining to regulatory matters developed in OECA. Specific holdings include the Audit Policy Docket, Supplemental Environmental Projects (SEP) Policy and the annual Enforcement Accomplishments Report.

The ECDIC was created as part of EPA's overall efforts to improve public accessibility to agency records and information. It also serves as a public reading room with photocopying, facsimile and mail distribution services available.

The center is open each work day from 8 AM to 4 PM. Contacts at the ECDIC are Lee Carothers, (202) 564-2614 or Donna Williams, (202) 564-2119. They can be contacted by email at docket.oeca@epamail.epa.gov. The ECDIC also has a website at http://es.epa.gov/oeca/polguid/efdock.html.

Federal, State, Local Forces Combine in Major National Effort to Cleanup Mississippi River

Citing the Mississippi River as a national treasure that should be restored and protected, EPA Administrator Carol Browner and Attorney General Janet Reno announced on September 9 that Shell Oil Company will pay to expand water quality and wildlife protection on the Mississippi River as part of an agreement to resolve allegations that it violated national pollution laws. They also announced a new Justice Department complaint filed that day against Clark Refining and Marketing, a St. Louis-based firm, for illegally polluting a Mississippi River tributary.

Both cases are part of a comprehensive, coordinated federal effort, known as the Mississippi River Initiative, to keep illegal pollution ranging from raw sewage to industrial waste out of the river and to restore the river and surrounding communities to historic grandeur. The initiative has produced the conviction of 54 criminal defendants, over $10 million worth of criminal penalties and restitution, and over eight years in prison terms, as well as 18 civil judicial actions worth over $18 million in civil penalties and 93 administrative cases involving 104 facilities worth $900,000 in civil penalties. The cases addressed violations which included illegal dumping from barges, illegal filling of wetlands, spills of oil and other hazardous materials, sewer overflows, and discharges of chemicals such as cyanide, heavy metals, and hydrofluoric acid into the Mississippi River or its tributaries.

Administrator Browner said that the initiative sends "a clear signal that this Administration will take the necessary steps to protect public health and the environment, especially when it involves one of greatest national resources like the Mississippi River. We have made tremendous progress, but must continue to ensure the protection of water quality and wildlife through the river and surrounding communities."

Attorney General Reno noted that "the Mississippi River is part of our national heritage. We have a responsibility to restore and protect it not just for this generation, but also for all of those to come. To those who think they can get away with illegally polluting our river, we say this: we will work together at all levels of government to find you, prosecute you, and make you clean up the mess you've made. You could even go to prison."

After hundreds of environmental violations at Shell Oil Company's Wood River oil refinery (located on the banks of the Mississippi in Roxanna, IL, near St. Louis), Shell and its affiliates have consented to a judicial decree that will require Shell to achieve and certify compliance with all environmental laws at the Wood River refinery, perform supplemental environmental projects valued at over $10 million (and including added protections of Mississippi River water quality), and pay $1.5 million in civil penalties -- of which $500,000 will be paid to the U.S. co-plaintiff, the State of Illinois.

Environmental problems at Wood River included illegal levels of sulfur dioxide and hydrogen sulfide air emissions, violations of emission standards for benzene, violations of solid waste labeling, reporting, and manifesting requirements, untimely reporting of emissions of extremely hazardous substances such as ammonia and chlorine, and violations of Illinois water regulations.

One of the supplemental environmental projects required by the consent decree requires Shell to expand water quality and wildlife protection on the Mississippi. Under the decree, Shell must purchase $500,000 worth of land adjacent to the river and must then transfer ownership of that property to the state of Illinois. The land must be appropriate for wetlands preservation, water quality protection, and wildlife conservation purposes. Another project will reduce airs emissions of sulfur dioxide by 7700 tons per year and nitrogen oxides by 940 tons per year.

Shell and several affiliates, recently including Texaco Corporation, have owned and operated the Wood River refinery for many years. Wood River has been in operation since 1917 and today the facility covers over 2,000 acres. The refinery can process approximately 250,000 barrels of crude oil per day into end-products including propane, gasoline, aviation fuel, diesel oil, heating and lubricating oils, heavy fuel oil, and asphalt.

In the enforcement action against Clark Refining and Marketing, the government alleges that the company's Blue Island petroleum refinery, located in Blue Island, IL, near Chicago, violated four federal statutes: the Clean Air Act, the Clean Water Act, the Resource Conservation and Recovery Act, and the Emergency Planning and Community Right-to-Know Act. The complaint asks the court to enjoin the company from further violations of environmental laws at Blue Island and assess appropriate civil penalties.

The water-related violations alleged against Clark's Blue Island refinery include illegal discharges into the Cal-Sag Channel West of Chicago. The channel's waters flow into the Mississippi. Other violations of the Clean Water Act alleged at Blue Island include dozens of discharges of illegal levels of pollutants to the local, publicly owned, wastewater treatment plant. The government also believes that the Blue Island refinery has illegally bypassed wastewater treatment equipment and introduced into sewer systems dangerously high levels of pollutants that posed risks of fire or explosion. The government alleges that the refinery has discharged oil and hazardous substances into navigable waters of the United States on more than 15 different occasions between October 1993 and October 1997, including a 1,000 gallon spill into an adjoining waterway in 1994.

Blue Island has been in operation since the 1920s. It has operated under the Clark name since it was sold to Emery Clark in 1943. St. Louis-based Clark Refining and Marketing, Inc. has owned and operated the facility at all times relevant to this enforcement action. The facility processes approximately 80,000 barrels of crude oil per day. Principal end products include gasoline, liquid petroleum gas, jet fuel, diesel fuel, heating fuel, and asphalt.

Browner and Reno were joined at the September

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National Initiative Underway to Cleanup Mississippi River

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14 event by more than 10 U.S. Attorneys representing cities all along the Mississippi River. The Mississippi River Initiative is one of several recent administration efforts designed to enhance and protect the nation's waterway. It employs the cooperative efforts of the Department of Justice, EPA's civil and criminal enforcement groups, the U.S. Customs Service, other U.S. Attorneys, the U.S. Coast Guard, the U.S. Fish and Wildlife Service, state attorneys general, state environmental agencies, the Federal Bureau of Investigation, and other state and local leaders to stop illegal point-source pollution of the river. Point-source pollution is discharged material that can be traced to a specific original source usually a public or private sewer system or industrial discharge.

The initiative began as a way to address the unprecedented amount of pollution currently contaminating the river. In September 1997, representatives from affected U.S. Attorney's offices met in St. Louis for two days with officials from the Justice Department to discuss the state of the Mississippi River and how best to work together to stop point-source pollution and clean up the river.

While the Mississippi River Initiative addresses point-source pollution, EPA and the Department of Agriculture are leading an administration-wide effort to address nonpoint-source pollution through the President's Clean Water Action Plan. Nonpoint-source pollution is all other pollution in the river, comprising mostly agricultural runoff. The plan builds on the administration's commitment to providing clean, safe water for all Americans by strengthening existing clean water programs and proposing new actions to enhance efforts that restore and protect water resources.

Dupont Gets EPA's Largest Administrative Penalty

In a landmark decision on April 30, DuPont was ordered to pay $1.89 million for ignoring EPA orders to stop shipping pesticides with labels that did not adequately state that protective eyewear is required when using the product. It was the largest penalty in the agency's history imposed by an EPA administrative law judge.

DuPont shipped pesticides on 379 occasions with labels that omitted the protective eyewear warnings required by the Worker Protection Standard rule enacted under FIFRA in 1992. It is the first case to be tried under the rule. DuPont was charged with improperly labeling four herbicides sold and distributed under its Bladex and Extrazine II product lines. Based on information from DuPont, EPA calculated that the company made more than $9.4 million from the sale of the mislabelled pesticides.

The worker protection rule requires that all pesticide products sold and distributed after April 21, 1994 display proper warning labels. The rule covers more than 3.5 million farm workers and other pesticide handlers. EPA estimates that tens of thousands of acute illness and injuries occur each year to agriculture workers because of occupational exposures to pesticides.

EPA and Pork Producers Agree To Nationwide Environmental Compliance Audit Program

EPA and the National Pork Producers Council announced on November 25 a nationwide environmental compliance audit program that will reduce environmental and public health threats to the nation's waterways from runoff from pork producing operations. Under the initiative, participating pork producers will have their operations voluntarily assessed for Clean Water Act violations by certified independent inspectors. Producers who promptly disclose and correct discovered violations from these audits will receive a much smaller civil penalty than they might otherwise be liable for under the law.

EPA Administrator Carol Browner called the program "an example of government and industry working together to find common-sense solutions to protect public health and the environment." She commended the pork producers for working with EPA to address "one of our nation's most serious environmental problems."

The Clean Water Action Plan, which is the Administration's blueprint for finishing the job of cleaning up the nation's rivers, lakes, and streams, has identified polluted runoff from agriculture as a leading source of water pollution. The amount of animal manure and wastewater generated from animal feeding operations can pose risks to water quality and public health. Potential impacts include the absence of or low levels of dissolved oxygen in surface water, harmful algal blooms, fish kills, and contamination of drinking water from nitrates and pathogens. Excess nutrients in water can also result in outbreaks of microbes such as Pfiesteria piscidida found in the Chesapeake Bay and in North Carolina waters.

The compliance audit program provides an incentive for pork producers to take the initiative to find and correct Clean Water Act violations and prevent discharges to waterways without compromising the ability of EPA or states to enforce the law.

The NPPC, a national association representing pork producers in all states, plans assessments for more than 10,000 pork production facilities. NPPC developed the assessment program at a cost of $1.5 million, and will fund the training of independent inspectors and the program's oversight. EPA has provided a $5 million grant to America's Clean Water Foundation to assist with the assessments.

Additional information about the compliance audit program can be found at: **http://www.epa.gov/oeca/ore/porkcap.**

Environmental Justice Newsletter

OECA's Enforcement Capacity and Outreach Office in conjunction with the Office of Environmental Justice recently published the inaugural issue of EJ Quarterly, an environmental justice newsletter. The newsletter includes feature articles, conference and meeting reports, updates on cases, regulations and rules affecting environmental justice, consumer information and much more. The current issue contains an update on EPA Tribal Programs and an article on pesticide misuse. The newsletter is free and is available by mailing list. To add your name to the mailing list, receive a copy of the present issue or to submit articles for inclusion in the newsletter, contact Robert Banks, (202) 564-2572 or e-mail banks.robert@epamail.epa.gov.

OECA's Year 2000 Strategy Outlined

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The **"Sector Notebook Data Refresh - 1997,"** which revises the emissions and compliance data presented in the sector notebooks that were published in 1995, has been completed. This supplement to the notebook series includes information from the newest notebooks published in 1997, which allows readers to make rough comparisons between the industries in the notebook series. Electronic files are available on the Notebook Website at www.epa.gov/oeca/sector/index.html. Government employees can order a free printed copy by calling (800) 490-9198. Refer to publication number EPA 310-R-97-010. Contact: Seth Heminway, (202) 564-7017

contamination, the release of harmful pollutants into the air, and the distribution of chemicals and toxins into the community. As one potential example, publicly owned treatment works, many of which are largely automated, may have dependent embedded chips that help run the pumps, valves, and chemical feed operations. If these chips fail because of a Y2K problem, they could cause either a complete shut down of a facility or a high-level safety hazard which, in turn, would cause other problems leading to shut down.

Steps Toward Y2K Compliance

Over the next year, EPA will be involved in various outreach efforts with industry operators, manufacturers, state and local government officials, private companies, and non-governmental groups to urge their commitment to focus on the compliance of systems, monitoring and lab equipment, and operational processes that could be impacted by a year 2000 failure.

In line with the federal government objective of making the public aware of the problem and ensursing that the various sectors of the economy carry out their respective part in dealing with it, OECA has drafted an action plan to promote timely resolution of issues related to potential year 2000 problems. The plan relies on a coordinated approach of direct outreach to relevant stakeholders in the enforcement community and cooperartion with EPA's media program offices to assure that the enforcement year 2000 message is articulated on an integrated, agency-wide basis.

Simply put, OECA's message is this: Those regulated by EPA have the responsibility to take whatever steps are necessary to ensure continued full compliance with environmental laws and regulations, including undertaking appropriate actions to assure the accuracy of information and data required to be reported to EPA and state programs.

This responsibility includes assessing possible vulnerabilites in data, in monitoring and operating systems, and in embedded computer chips relied upon for business operation or used as part of the data gathering and reporting processes. A failure to comply with environmental requirements because of year 2000 problems may be considered violations and may result in enforcement actions.

At the same time, agencies that are co-regulators on environmental matters with EPA should also communicate with the facilities they regulate to emphasize their responsibility to update data systems and replace embedded chips to ensure continued compliance with environmental requirements. This is a shared responsibility for agencies that have delegated regulatory authority under federal laws. Co-regulating agencies should prepare contingency plans if facilities are either not able to comply with proper environmental controls or are unable to submit required reports.

OECA is taking the following steps to ensure Y2K compliance:

First, we are assuring that the information and operating systems we control are year 2000 compliant before the year 2000 gets here. For example, modifications have already been completed on the wastewater Permit Compliance System (PCS) to make in compliant and we are in the final stages of testing this program. EPA has already determined that the Safe Drinking Water Information System is compliant. Other mission-critical enforcement and compliance systems, including OECA's DOCKET and IDEA systems, are on track to achieve year 2000 compliance by EPA's March 1999 deadline. Smaller single-user tracking systems are being evaluated to determine what, if any, modifications are needed. We are working with other media programs, including the Office of Solid Waste, the Office of Water, the Office of Prevention, Pesticides, and Toxic Substances, and the Office of Air and Radiation, to assure that the databases they manage, which contain compliance and enforcement data (like RCRIS and AIRs), are on track and meet all compliance deadlines.

Second, in conjunction with the Department of Justice, OECA is carrying the compliance message to its state and local regulatory compliance partners to ensure that the information systems and monitoring data they use are also in compliance before the year 2000 arrives. It is important to recognize, for example, that some state and local governments begin fiscal year 2000 on April 1, 1999; others begin it on July 1, 1999. We are spreading the outreach message through the media, through speaking engagements, with brochures, compliance assistance literature, website postings, and by working with those who transmit electronic data to us to assure us that the transmission process will function properly.

Third, in conjunction with the various EPA environmental media offices, we are targeting our message to industrial sectors and other members of the regulated community through speaking engagements and other communications and outreach methods. We are stressing the need for them to be personally responsible for identify ing and fixing the vulnerabilities in their data systems and for monitoring and operating the systems they rely on as part of their data gathering and reporting process.

It must be emphazized that violations resulting from a failure to achieve year 2000 compliance can cause serious environmental problems and deprive the public of vital information about environmental conditions. EPA will provide compliance information and outreach to prevent these violations, but may take enforcement action in response to violations which actually occur. In short, we expect ourselves -- and those we do business with -- to be in compliance with environmental regulations before, during, and after the year 2000. It is an issue to be taken seriously. The time to address it is now.

Sector Facility Data Put on the Internet

Information gathered under OECA's pilot Sector Facility Indexing Project (SFIP) on the environmental performance of hundreds of facilities in five major industries is now available through the Internet. Sectors covered are automobile assembly, pulp manufacturing, petroleum refining, iron and steel production, and the primary smelting and refining of aluminum, copper, lead and zinc (nonferrous metals).

The new database includes approximately 650 facilities within the five sectors, and for the first time collects in one place information that the facilities must provide under a number of federal environmental statutes. The data include information on past inspections and enforcement actions, the size of the facilities and their annual releases of chemicals into the environment, and demographic data about communities near the facilities.

The database has multiple uses. Facilities can benchmark their data against similar facilities, or simply monitor their own regulatory performance; environmental and community groups have easier access to information they can use to learn about the environmental performance of individual facilities; government agencies can use the information as a planning tool.

EPA stakeholders, including environmental and community organizations, have commented on the project. Each facility included in the pilot project received a copy of its compliance and enforcement data and was given an opportunity to submit comments. State agencies also received the information for review, since a large portion of the data is provided to EPA by state governments. EPA modified the data as appropriate, but found most of the data to be accurate. The agency will continue taking comments as the pilot project evolves.

The database is available at Internet address **http://www.epa.gov/oeca/sfi.** In the first five and a half months of its availability, the website was accessed with approximately 46,000 user sessions and 250,000 hits, an indication of the interest in the project. In keeping with SFIP's policy to incorporate current environmental information as it becomes available, the data included within the project has been updated twice since the project's release. Another update is anticipated in January 1999.

Guilty Plea In Case Involving Use of Homeless Workers

A guilty plea was announced on October 14 by the U.S. District Attorney in Madison, WS of men charged with using untrained homeless workers to remove asbestos from an aging Wisconsin manufacturing plant. One of the men also pleaded guilty to conspiring to use false social security account numbers to obtain asbestos worker certifications from the Wisconsin Department of Health and Family Services for the untrained workers and faces a maximum penalty of five years in prison, without parole, and a $250,000 fine.

The case was brought to wide public attention at a May press conference involving EPA Administrator Carol Browner, Attorney General Janet Reno, and Mary Anne Gleason, executive director of the National Coalition for the Homeless. They used the occasion to announce a nationwide cooperative effort to warn the homeless about the dangers of illegal asbestos-removal schemes which exploit the plight of the homeless. The coalition Gleason heads, a non-governmental organization whose goal is to find housing and jobs for homeless men and women, worked with local shelters nationwide to put up a warning sign to alert homeless individuals not to take dangers asbestos demoliton jobs if they have not been given special training and safety equipment.

Asbestos is regulated under the Clean Air Act as a hazardous air pollutant. Studies have shown that exposure to it can cause life-threatening diseases, including asbestosis, lung cancer, and a rare cancer of the thin membrane lining of the lungs, chest, abdomen, and heart, known as mesothelioma. Under Clean Air Act regulations, asbestos in building materials must be removed from demolition and renovation sites without releasing asbestos fibers into the environment. Among other things, workers must wet asbestos insulation before stripping the materials from pipes, and seal asbestos debris in leak-tight containers while still wet to prevent the release of asbestos dust. Wisconsin law requires all asbestos workers to have training in these and other applicable rules, and to carry identification cards indicating they have received such training.

The guilty plea was the result of an investigation by EPA's Criminal Enforcement Division and the Social Security Administration's Office of Inspector General, with assistance from the Wisconsin Department of Natural Resources and the Wisconsin Department of Health and Family Services.

Optical Remote Sensing Device Used For Enforcement

OECA has acquired a transportable optical remote sensing instrument known as UV DOAS (ultra violet differential optical absorption spectrometer) to measure criteria and hazardous air pollutants near industrial facilities. Its primary use is to support traditional enforcement actions with data on the exposure of local populations to air pollutants. The instrument has been used to target facilities for investigation and to provide community groups with source-specific pollution data.

In the field, an ultraviolet emitter is mounted on a tripod and the light is aimed at a receiver located up to 1,312 feet away. The receiver is connected to a spectrometer that measures the specific absorption of light by the target compounds. The concentration of pollutants is presented on a computer screen in near real-time. The system also monitors wind speed and direction, allowing the field team to locate the direction from which pollution is highest.

The UV DOAS has been used at 15 facilities ranging from landfills to chemical manufacturing plants. Additional facilities have been targeted for measurement in 1999, with an emphasis on pollutants such as benzene and formaldehyde, which are known human carcinogens, and pollutants such as SO2 which can cause adverse respiratory effects. **Contact:** Cary Secrest (202)564-8661

One of Largest Cost Recoveries Under Superfund

EPA Recovers $102 Million of Cost To Cleanup Vertac

In a major victory that affects the cleanup of hazardous waste sites across the country, a federal court ruled on October 23 that Hercules, Inc. and Uniroyal Chemical Ltd. will pay the U.S. government $102 million for the costs it incurred in cleaning up the Vertac Superfund site in Jacksonville, AR -- a site where Agent Orange was once produced.

Described as one of the largest cost recoveries under the Superfund program, the judgment of the U.S. District Court, Eastern District of Arkansas, in the case of *United States v. Vertac Chemical Corporation, et. al.*, requires Hercules and Uniroyal to pay for the costs incurred by EPA to clean up dioxin-contaminated hazardous wastes at the site. Under the law, the money must be returned to the Superfund where it can be used to clean up other hazardous waste sites.

The site was one of the worst dioxin-contaminated sites in the country. Hercules and Vertac Chemical Corporation operated a herbicide manufacturing plant on it from the 1960s to the 1980s. Facility operations caused widespread contamination of soil, groundwater and surface waters on the site and in surrounding areas. When the facility closed in 1987, more than 28,000 leaking drums of corrosive, ignitable hazardous wastes were left on the site.

EPA incurred approximately $105 million costs in cleaning up and incinerating the drummed dioxin waste and in supervising Hercules' performance of a series of remedial actions. Arkansas incurred an additional $10.7 million for incineration of the drum waste, which was paid for by a trust fund created under a prior settlement with Vertac Chemical. Other defendants in the case also reached earlier settlements totaling $7.6 million.

The two remaining defendants, Hercules and Uniroyal, declined to settle and challenged the governments' right to recover EPA's costs. They argued that EPA had overestimated the health hazards of dioxin, that a less thorough cleanup should have been done, and that they shouldn't have to pay cleanup costs. The court overruled these arguments and awarded a summary judgment for the full amount of costs EPA has incurred to date. The court also awarded the government a declaratory judgment for future costs, estimated at approximately $5 million.

GE Agrees To $200 Million Superfund Settlement

In another major Superfund settlement, General Electric has agreed to an over $200 million settlement in principle of environmental claims resulting from pollution of the Housatonic River and other areas by chemical releases from its plant in Pittsfield, MA. The claims result from a long history of GE's use and disposal of polycholrinated biphenyls (PCB's) and other hazardous substances at the plant.

Under the settlement, GE will remove contaminated sediments from the one-half mile of the Housatonic River nearest the plant. And, through a cost-sharing agreement, will fund much of the anticipated cost of another one-half mile cleanup to be conducted by EPA. The settlement also addresses claims that releases from the plant injured natural resources in the river downstream from the plant extending through Massachusetts and into Connecticut.

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